

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Greg Francis Gaither

Case: 4:23-mj-30085

Assigned To : Ivy, Curtis, Jr

Assign. Date : 3/2/2023

Description: COMP USA V Greg Francis Gaither (kcm)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 25, 2022 to March 2, 2023 in the county of Livingston in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 18, U.S.C. § 2252A(a)(2)(A) &

Receipt and distribution of child pornography and

Title 18, U.S.C. § 2252A(a)(5)(B)

Possession of a child pornography

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.*Complainant's signature*Adam Christensen, Special Agent - FBI*Printed name and title*Sworn to before me and signed in my presence
and/or by reliable electronic means.

March 2, 2023

Date: _____

*Judge's signature*City and state: Flint, MichiganCurtis Ivy, Jr., United States Magistrate Judge*Printed name and title*

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Adam Christensen, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

INTRODUCTION

1. I have been employed as a Special Agent of the FBI since 2010 and am currently assigned to the Detroit Division. While employed by the FBI, I have investigated federal criminal violations related to child exploitation, and child pornography. I have gained experience through training and everyday work relating to conducting child exploitation investigations. To date, I have either conducted or participated in over 100 child exploitation investigations.

2. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including 18 U.S.C. § 2252A. I am authorized by law to request an arrest warrant.

3. This affidavit is submitted in support of an application for a criminal complaint and arrest warrant for Greg Francis Gaither for violations of 18 U.S.C. §§ 2252A(a)(2)(A) (receipt and distribution of child pornography), and 2252A(a)(5)(B) (possession of child pornography).

4. The statements contained in this affidavit are based in part on information provided by U.S. law enforcement officers, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents, information gathered from investigative sources of information, and my experience, training and background as a Special Agent.

5. This affidavit is submitted for the limited purpose of securing an arrest warrant. I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause that Gaither has violated Title 18 U.S.C. §§ 2252A(a)(2)(A) and 2252A(a)(5)(B).

PROBABLE CAUSE

6. On December 13, 2022 the FBI executed a search warrant authorized in the Eastern District of Pennsylvania at the residence of Individual A. During the execution of the search warrant, Individual A voluntarily provided information regarding his use of a variety of smart phone applications to coerce and entice minor females to engage in sexual activity and display their genitals in images and videos in order to produce child pornography. He also distributed his produced child pornography to others on Telegram and other smart phone applications and received child pornography from others on the same.

7. During the interview Individual A stated that he was in communication with a person he knew as “Austin” (whom I believe to be Gaither) almost every day via text and voice calls. Individual A knew that he had Austin listed in his phone under his frequent contacts. A listing was found in Individual A’s phone for Austin with telephone number 810-XXX-1689. Individual A knew that Austin works for Door Dash, like himself and that he was from Michigan. Individual A also knew that Austin went by the username Playboy on Telegram and that Individual A receives and distributes child pornography with Playboy on Telegram.

8. A forensic review of the electronic devices seized from the residence revealed a text message thread between Individual A and “Austin” at the phone number 810-XXX-1689. The chat conversation extends from July 31, 2021 to December 14, 2022. During the conversation the two consistently talk about their work for Door Dash and their attempts to get minor females to produce child pornography. They also talk about their conversation on Telegram, for instance on June 25, 2022, “Austin” sends the messages, “That girl’s getting ready to do stuff for me I think I send one on telegram already.” In my training and experience this comment is regarding a minor female that “Austin” believes is about to produce child pornography due to his coercion and enticement and that “Austin” had sent images of her to Individual A on Telegram previously. There is at least one

indication that “Austin” is Playboy, when on October 19, 2021, “Austin” sends the message, “Yeah bugs didn’t get banned I sent the one she did last night 2 Playboy”.

9. There are two instances when child pornography images were distributed between Individual A and Gaither. On July 6, 2022, Individual A sends five images to “Austin.” All of the images are of minor females who are approximately 10 to 13 years old. Three of the images meet the Federal definition of child pornography. The first image is of blond minor female who is approximately 10 to 12 years old who is nude and facing away from the camera and using her hands to spread her buttocks to show her anus and her genitals. The second is a prepubescent female bent over with her underwear pulled down to her knees and her anus and genitals exposed to the camera. The third is a blond female who is approximately 11 to 13 years old holding a phone to take a picture of herself in the mirror wearing a shirt with the AC/DC band logo and her pants pulled down to her knees and her underwear pulled down to her mid-thigh to expose her genitals to the camera.

10. On July 22, 2022, after “Austin” states that he just got back from the hospital with chest pains and shortness of breath he sends a message to Individual A, “Couple screenshots of what she was doing” followed by an image of a minor female who is facing away from the camera with a red shirt on and no pants to expose her genitals to the camera, then another image of a minor female who is

approximately 11 to 13 years old who is wearing a blue tanktop pulled up to display her breasts. Individual A replies, “Nice; tits look so good” to which “Austin” states, “Ik¹; She was humping the bed pretending it was me and everything.” Individual A then asks, “How come your sending here and not telegram” to which “Austin” replies, “Because I don’t have it on here right now I’ll get it tomorrow.”

11. The forensic review of Individual A’s electronic devices also found a video recording that appears to be of Individual A’s phone screen entitled, “XRecorder_20062022_124606.mp4” A review of this video shows that at the 11 minute 57 mark, a Telegram chat with username Playboy was accessed. The conversation appeared to be actively ongoing starting with Individual A stating, “Perfect titties” and Playboy responding, “Yep”. Individual A then states, “Well I accepted her when I noticed she followed me; I haven’t looked to see if she accepted me back yet” to which Playboy responds, “Nice”. Individual A then says, “[Redacted name] this morning did these while getting changed” and posted three videos of the same minor female. The recording then shows Individual A posting a video of a different minor female who is approximately 11 to 13 years old wearing a black shirt pulled up who sets up her phone and steps away to display her genitals

¹ “Ik” is a common shorthand for “I know”

to the camera and reaches down with her hand to touch her genitals before the posted video recording stops.

12. A subpoena was served on Verizon for the subscriber for telephone number, detailed above, 810-XXX-1689 on January 4, 2023. On January 15, 2023 Verizon provided information that showed the subscriber was **Greg Gaither** at XXXX Booth Street, Howell, Michigan 48843. The information provided by Verizon indicated that **Gaither** was the subscriber for that phone number since December 7, 2018.

13. A subpoena was served on Door Dash for the subscriber information **Greg Gaither**, XXXX Booth Street, Howell, Michigan 48843, telephone number 810-XXX-1689 on January 27, 2023. On January 27, 2023 Door Dash responded with information that showed that **Greg Francis Gaither** with a date of birth XX/XX/1960 was a contract worker for Door Dash, that he resided at the XXXX Booth Street, Howell, Michigan 48843 and that his phone number was 810-XXX-1689.

14. Based in part on the information detailed above, a search warrant was authorized in the Eastern District of Michigan and was executed on March 2, 2023 at **Gaither**'s residence. Lights were observed turning on and off at the residence as the FBI approached the door. After I knocked and announced the presence of the FBI at the front door at approximately 6:05 AM, all lights in the house were turned

off. FBI made entry into the house through the front door and made call outs to **Gaither** from his living room with no response. I placed a call to **Gaither** at the same telephone number that was observed to have received and distributed child pornography above, telephone number 810-XXX-1689, beginning at 6:09 AM and on the third call **Gaither** picked up the phone. For over 5 minutes I attempted to get **Gaither** to come out of the house, but he would not come out or show himself or speak. I could hear the agents in the house calling to **Gaither** through my phone on the phone call with him. After **Gaither** hung up with me, I made thirteen additional calls to him prior to him coming out to the living room and showing himself to the FBI positioned with a view there. The phone was found on Gaither's person after he was detained and was found to have been factory reset.

CONCLUSION

15. Based on the foregoing, there is probable cause to believe that Greg Francis Gaither has received and distributed child pornography, in violation of Title 18 U.S.C. § 2252A(a)(2)(A), and possessed child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B).

Respectfully submitted,



Adam Christensen, Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in my presence
and/or by reliable electronic means.



HON. CURTIS IVY, JR.
UNITED STATES MAGISTRATE JUDGE

Date: March 2, 2023